

**REMARKS**

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 1-35 presently appear in this application, with claims 1-12 and 35 withdrawn by the examiner, and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

The amendment to claims 13 and 25 is supported in the present specification as originally filed for "Embodiment 3", page 13, line 17 to page 18, line 12 (corresponds to paragraph [0067]-[0088] in US published patent application 2007/0105236) and in Figs. 4, 6, 8a and 8b of the present drawings, particularly lines 13-24 of page 15 and Fig. 6 (for the filter poles and space interval).

Claims 13-34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Wilding (US 5,635,358) in view of McNeely et al. (US 6,296,020). This rejection is respectfully traversed.

The presently claimed apparatus comprises a first blood resistance part and micro-filters. The first blood resistance part of the present apparatus temporally holds the blood in the reagent storage chambers during a time which the blood can be agglutinated with a reagent. The micro-filters of the present apparatus comprises at least two filter parts located serially

with each other, each filter part having plural filter poles arranged not to pass an agglutinated blood mixture, the space interval between the filter poles in the filter part closer to the reagent storage chamber being wider than that between the filter poles in the filter part farther away from the reagent storage chamber.

The examiner asserts that the micro-filters of the present apparatus correspond to membrane piercing protrusions 24 in chamber 22B of Wilding and the filter poles of the present apparatus correspond to posts 26 of Wilding. However, it is respectfully pointed out that the membrane piercing protrusions 24 of Wilding tear open the cells, thereby releasing intracellular material (lines 41-43 of col. 10), and are not for filtering an agglutinated blood mixture as are the micro-filters of the present apparatus. The filter poles of the present apparatus are located in the micro-filter, whereas the membrane piercing protrusions 24 and posts 26 of Wilding are located independently.

Furthermore, the micro-filter of the presently claimed apparatus is now recited as comprising "at least two filter parts located serially with each other, each filter part having plural filter poles arranged not to pass an agglutinated blood mixture, the space interval between the filter poles in the filter part

closer to the reagent storage chamber being wider than that between the filter poles in the filter part farther away from the reagent storage chamber." Therefore, the micro-filter of the present apparatus can apply phased resistance to the injected fluid. Accordingly, the micro-filter can filter the agglutinated blood mixture efficiently using this recited structure of the micro-filter.

Wilding does not disclose or teach the recited structure of the micro-filter of the presently claimed apparatus. With regard to the secondary McNeely reference, the examiner contends that the first blood resistance part of the present apparatus corresponds with the "stopping means" in the micro channels (Fig. 2E-J) and that McNeely teaches a passive valving system that is capable of stopping flow via a "stopping means" and is not merely capable of only regulating flow. However, McNeely does not disclose or teach any of the presently recited structural elements, as discussed above, that are distinctly absent in Wilding, and therefore cannot make up for the deficiencies of Wilding. Accordingly, the combination of Wilding and McNeely simply cannot lead one of ordinary skill in the art to the presently claimed invention.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

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As applicants believe that the apparatus product claims are allowable, rejoinder of the non-elected process claims, which require all the limitations of allowable apparatus claim 13, is respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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